

**Executive Summary – Enforcement Matter – Case No. 45519**  
**Flint Hills Resources Corpus Christi, LLC**  
**RN100235266**  
**Docket No. 2012-2382-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Flint Hills Resources Corpus Christi West Plant, 2825 Suntide Road, Corpus Christi, Nueces County

**Type of Operation:**

Petroleum refining plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 29, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$7,975

**Amount Deferred for Expedited Settlement:** \$1,595

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,380

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 45519**  
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**RN100235266**  
**Docket No. 2012-2382-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 19, 2012

**Date(s) of NOE(s):** November 1, 2012

***Violation Information***

1. Failed to submit an initial notification for Incident No. 171024 no later than 24 hours after the discovery of the emissions event. Specifically, the emissions event began on June 30, 2012, but the initial notification was not submitted until July 13, 2012 [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event that began on June 30, 2012 and lasted 37 hours and 53 minutes (Incident No. 171024), Respondent released 5,078.46 pounds of volatile organic compounds from the Rex Cooling Tower, Emission Point Number F-S-4. This emissions event occurred due to a process leak from a heat exchanger in the Coker Unit (17EA1736) into the Rex Cooling Tower. Since this emissions event was reported late, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(3) and 122.143(4), Federal Operating Permit No. O-1272, Special Terms and Conditions No. 32, Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By November 19, 2012, Respondent distributed communication to all plant personnel, on the importance of reporting all emissions events immediately to the Refinery Shift Manager, so as to ensure the timely submittals of emissions event reports.

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 30 days, implement measures and/or procedures in order to prevent a recurrence of emissions events similar to Incident No. 171024; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

**Executive Summary – Enforcement Matter – Case No. 45519  
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***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Heather Podlipny, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Valerie Ponya, Operations & Manufacturing Manager, P.O. Box 2608,  
Corpus Christi, Texas 78403  
Phil Gardner, Vice President, Flint Hills Resources Corpus Christi, LLC, P.O. Box 2608,  
Corpus Christi, Texas 78403  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	5-Nov-2012	<b>Screening</b>	15-Nov-2012	<b>EPA Due</b>	29-Jul-2013
	<b>PCW</b>	15-Nov-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Flint Hills Resources Corpus Christi, LLC
<b>Reg. Ent. Ref. No.</b>	RN100235266
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	45519	<b>No. of Violations</b>	2
<b>Docket No.</b>	2012-2382-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Heather Podlipny
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$4,000**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$4,000**

Notes: Enhancement for six agreed orders with denial of liability, one agreed order without denial of liability, and two NOV's with dissimilar violations. Reduction for 12 Notices of Intent to conduct audits and two Disclosures of Violations.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$25**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$80  
Approx. Cost of Compliance \$1,750  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$7,975**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$7,975**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$7,975**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$1,595**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$6,380**

Screening Date 15-Nov-2012

Docket No. 2012-2382-AIR-E

PCW

Respondent Flint Hills Resources Corpus Christi, LLC

Policy Revision 3 (September 2011)

Case ID No. 45519

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100235266

Media [Statute] Air

Enf. Coordinator Heather Podlipny

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	12	-12%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 133%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for six agreed orders with denial of liability, one agreed order without denial of liability, and two NOVs with dissimilar violations. Reduction for 12 Notices of Intent to conduct audits and two Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 133%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 15-Nov-2012

Docket No. 2012-2382-AIR-E

PCW

Respondent Flint Hills Resources Corpus Christi, LLC

Policy Revision 3 (September 2011)

Case ID No. 45519

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100235266

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to submit an initial notification for Incident No. 171024 no later than 24 hours after the discovery of the emissions event. Specifically, the emissions event began on June 30, 2012, but the initial notification was not submitted until July 13, 2012.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

## &gt;&gt; Programmatic Matrix

Falsification				Percent
	Major	Moderate	Minor	
			x	1.0%

Matrix Notes: Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 1 12 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$25

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes: The Respondent completed corrective actions by November 19, 2012, after the November 1, 2012 NOE.

Violation Subtotal \$225

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$475

This violation Final Assessed Penalty (adjusted for limits) \$475

# Economic Benefit Worksheet

**Respondent** Flint Hills Resources Corpus Christi, LLC

**Case ID No.** 45519

**Reg. Ent. Reference No.** RN100235266

**Media** Air

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	1-Jul-2012	19-Nov-2012	0.39	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated costs for improving the reporting system to ensure the timely submittal of emissions event reports. The Date Required is the date the initial notification was due and the Final Date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$250

**TOTAL**

\$5

Screening Date 15-Nov-2012

Docket No. 2012-2382-AIR-E

PCW

Respondent Flint Hills Resources Corpus Christi, LLC

Policy Revision 3 (September 2011)

Case ID No. 45519

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100235266

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c), 101.20(3) and 122.143(4), Federal Operating Permit No. O-1272, Special Terms and Conditions No. 32, Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event that began on June 30, 2012 and lasted 37 hours and 53 minutes (Incident No. 171024), the Respondent released 5,078.46 pounds of volatile organic compounds from the Rex Cooling Tower, Emission Point Number F-S-4. This emissions event occurred due to a process leak from a heat exchanger in the Coker Unit (17EA1736) into the Rex Cooling Tower. Since this emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$76

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent** Flint Hills Resources Corpus Christi, LLC

**Case ID No.** 45519

**Reg. Ent. Reference No.** RN100235266

**Media** Air

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	30-Jun-2012	2-Aug-2013	1.09	\$82	\$82

## Notes for DELAYED costs

Estimated costs to implement measures and/or procedures in order to prevent a recurrence of similar emissions events. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

## Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$82

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN603741463, RN100235266, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN603741463, Flint Hills Resources  
Corpus Christi, LLC **Classification:** SATISFACTORY **Rating:** 2.71

**Regulated Entity:** RN100235266, FLINT HILLS RESOURCES  
CORPUS CHRISTI WEST PLANT **Classification:** SATISFACTORY **Rating:** 6.41

**Complexity Points:** 41

**Repeat Violator:** NO

**CH Group:** 02 - Oil and Petroleum Refineries

**Location:** 2825 SUNTIDE ROAD, CORPUS CHRISTI, TX, NUECES COUNTY

**TCEQ Region:** REGION 14 - CORPUS CHRISTI

### ID Number(s):

**WASTEWATER PERMIT** WQ0000531000

**WASTEWATER EPA ID** TX0006289

**INDUSTRIAL AND HAZARDOUS WASTE PERMIT** 50097

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID**  
TXD088474663

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE**  
**REGISTRATION # (SWR)** 30529

**AIR NEW SOURCE PERMITS REGISTRATION** 102109

**AIR NEW SOURCE PERMITS PERMIT** 8803A

**AIR NEW SOURCE PERMITS ACCOUNT NUMBER** NE0122D

**AIR NEW SOURCE PERMITS REGISTRATION** 1533

**AIR NEW SOURCE PERMITS PERMIT** 1914

**AIR NEW SOURCE PERMITS PERMIT** 6628

**AIR NEW SOURCE PERMITS REGISTRATION** 11278

**AIR NEW SOURCE PERMITS REGISTRATION** 11813

**AIR NEW SOURCE PERMITS PERMIT** 22451

**AIR NEW SOURCE PERMITS REGISTRATION** 44048

**AIR NEW SOURCE PERMITS REGISTRATION** 45798

**AIR NEW SOURCE PERMITS PERMIT** 6819A

**AIR NEW SOURCE PERMITS REGISTRATION** 75765

**AIR NEW SOURCE PERMITS REGISTRATION** 76194

**AIR NEW SOURCE PERMITS AFS NUM** 4835500017

**AIR NEW SOURCE PERMITS REGISTRATION** 70303

**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX413M7

**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX777M1

**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX777M2

**AIR NEW SOURCE PERMITS REGISTRATION** 76539

**AIR NEW SOURCE PERMITS REGISTRATION** 77530

**AIR NEW SOURCE PERMITS REGISTRATION** 77652

**AIR NEW SOURCE PERMITS REGISTRATION** 79770

**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX413M8

**AIR NEW SOURCE PERMITS REGISTRATION** 83266

**AIR NEW SOURCE PERMITS EPA PERMIT** PSDTX413M9

**AIR NEW SOURCE PERMITS REGISTRATION** 92351

**AIR NEW SOURCE PERMITS REGISTRATION** 94401

**AIR NEW SOURCE PERMITS REGISTRATION** 97974

**AIR NEW SOURCE PERMITS REGISTRATION** 99042

**AIR NEW SOURCE PERMITS REGISTRATION** 101471

**AIR NEW SOURCE PERMITS REGISTRATION** 102136

**AIR NEW SOURCE PERMITS REGISTRATION** 103673

**AIR NEW SOURCE PERMITS REGISTRATION** 103744

**AIR NEW SOURCE PERMITS REGISTRATION** 103677

**AIR NEW SOURCE PERMITS REGISTRATION** 103742

**AIR NEW SOURCE PERMITS REGISTRATION** 103679

**AIR NEW SOURCE PERMITS REGISTRATION** 103725

**AIR NEW SOURCE PERMITS REGISTRATION** 103719

**AIR NEW SOURCE PERMITS REGISTRATION** 103726

**AIR NEW SOURCE PERMITS REGISTRATION** 103051

**AIR NEW SOURCE PERMITS REGISTRATION** 103732

**AIR NEW SOURCE PERMITS REGISTRATION** 103706

**AIR NEW SOURCE PERMITS REGISTRATION** 103722

**AIR NEW SOURCE PERMITS REGISTRATION** 103718

**AIR NEW SOURCE PERMITS REGISTRATION** 103672

**AIR NEW SOURCE PERMITS REGISTRATION** 106746

**AIR NEW SOURCE PERMITS REGISTRATION** 107177

**AIR OPERATING PERMITS PERMIT** 1272

**AIR OPERATING PERMITS ACCOUNT NUMBER** NE0122D

**WASTEWATER LICENSING LICENSE** WQ0000531000

**IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION**  
**# (SWR)** 30529

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
1780058

**AIR EMISSIONS INVENTORY ACCOUNT NUMBER**  
NE0122D

**POLLUTION PREVENTION PLANNING ID NUMBER**  
P00371

**Compliance History Period:** September 01, 2007 to August 31, 2012

**Rating Year:** 2012

**Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** December 10, 2012

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 12, 2007 to November 12, 2012

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Heather Podlipny

**Phone:** (512) 239-2603

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 02/08/2008 ADMINORDER 2007-1095-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(d)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: SC 1 PA  
SC 10 PA  
Description: Flint Hills failed to prevent unauthorized emissions during a January 2, 2007 emissions event.
- 2 Effective Date: 02/08/2009 ADMINORDER 2008-1222-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 8803A / Special Condition No. 1 PA  
Description: Failure to gain an affirmative defense for unauthorized emissions that were released during an emissions event that occurred on January 23, 2008. Specifically, 701.30 pounds of nitrogen oxides were released when two isolation valves on the steam system were inadvertently closed by operations during a preventative maintenance activity, causing a loss of steam injection to the Cogeneration Unit, resulting in an emissions event which began on January 23, 2008, and lasted for three hours and 52 min.
- 3 Effective Date: 03/20/2010 ADMINORDER 2009-1614-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: [Flex 8803A/PSD-TX-413M9] SC 1 PERMIT  
Description: Failed to prevent unauthorized emissions during Incident No. 121830.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to report Incident No. 121939 within 24 hours after discovery.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: [Flex 8803A/PSD-TX-413M9] SC 1 PERMIT  
Description: Failed to prevent unauthorized emissions during Incident No. 121939.
- 4 Effective Date: 08/09/2010 ADMINORDER 2010-0233-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Flexible Permit No. 8803A, SC No. 1 PERMIT

Description: Failure to prevent unauthorized emissions during Incident No. 129628. Specifically, during the September 19, 2009 emissions event 11.94 pounds of unauthorized benzene emissions were released from a union on the Toluene O2 Stripper Receiver over a period of 16 minutes when a leak developed while product was being introduced and the unit was pressurized. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense i

5 Effective Date: 08/21/2010 ADMINORDER 2010-0433-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:[TCEQ Flex Pmt 8803A/PSD-TX-413M9] SC1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 772.2 pounds ("lbs") of sulfur dioxide, 307.6 lbs of carbon monoxide, 27.2 lbs of nitrogen oxide and 73 lbs of volatile organic compounds from the First Stage Flare during an avoidable emissions event (Incident No. 132858) that began December 4, 2009 and lasted four hours and eight minutes. A positioner associated to a pressure regulating control valve failed, causing the valve to malfunction.

6 Effective Date: 10/17/2011 ADMINORDER 2011-0529-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:[Flex 8803A] SC 1 PERMIT

[FOP No. O-01272] GTC OP

[FOP No. O-01272] STC 30A OP

Description: Failure to prevent unauthorized emissions from an emissions event, Incident No. 148042, which was discovered on December 1, 2010. Specifically, during the Flint Hills Resources Corpus Christi LLC's (FHR) West Plant event, 72.8 pounds (lbs) of benzene was released to the atmosphere. The event duration was 2 hours and 19 minutes. The unauthorized release was a result of operator error due to accidental closing of a valve.

7 Effective Date: 08/12/2012 ADMINORDER 2012-0239-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event which occurred on March 3, 2011, TCEQ Incident No. 151562.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	November 19, 2007	(619556)
Item 2	December 20, 2007	(619557)
Item 3	January 07, 2008	(613411)
Item 4	January 16, 2008	(672081)
Item 5	February 08, 2008	(616859)
Item 6	February 21, 2008	(672079)
Item 7	March 24, 2008	(672080)
Item 8	April 22, 2008	(690008)
Item 9	April 29, 2008	(653836)
Item 10	May 22, 2008	(690009)
Item 11	June 23, 2008	(690010)
Item 12	June 27, 2008	(684512)
Item 13	June 30, 2008	(684533)

Item 14	July 22, 2008	(710784)
Item 15	August 25, 2008	(700781)
Item 16	September 22, 2008	(710786)
Item 17	October 22, 2008	(727522)
Item 18	November 24, 2008	(708619)
Item 19	December 22, 2008	(750313)
Item 20	January 14, 2009	(723040)
Item 21	March 23, 2009	(750312)
Item 22	April 22, 2009	(768399)
Item 23	May 21, 2009	(768400)
Item 24	June 22, 2009	(749554)
Item 25	June 24, 2009	(804777)
Item 26	July 22, 2009	(804778)
Item 27	August 17, 2009	(759094)
Item 28	August 21, 2009	(804779)
Item 29	August 25, 2009	(759151)
Item 30	August 26, 2009	(767319)
Item 31	August 31, 2009	(767759)
Item 32	September 02, 2009	(767563)
Item 33	September 11, 2009	(762719)
Item 34	September 22, 2009	(804780)
Item 35	October 21, 2009	(804781)
Item 36	November 23, 2009	(804782)
Item 37	December 10, 2009	(776485)
Item 38	December 22, 2009	(804783)
Item 39	January 22, 2010	(804784)
Item 40	January 28, 2010	(789271)
Item 41	February 22, 2010	(792985)
Item 42	March 19, 2010	(830926)
Item 43	April 22, 2010	(830927)
Item 44	May 06, 2010	(800052)
Item 45	May 18, 2010	(801496)
Item 46	May 24, 2010	(830928)
Item 47	June 21, 2010	(846283)
Item 48	July 22, 2010	(860878)
Item 49	August 13, 2010	(841260)
Item 50	August 23, 2010	(866846)
Item 51	August 30, 2010	(850311)
Item 52	September 07, 2010	(850622)
Item 53	October 04, 2010	(857457)
Item 54	October 06, 2010	(850656)
Item 55	October 14, 2010	(873916)
Item 56	October 15, 2010	(870096)
Item 57	November 01, 2010	(864784)
Item 58	November 09, 2010	(872048)
Item 59	November 10, 2010	(866183)
Item 60	November 22, 2010	(896257)
Item 61	December 01, 2010	(881517)
Item 62	December 22, 2010	(896258)
Item 63	January 21, 2011	(909101)
Item 64	February 01, 2011	(891702)
Item 65	March 02, 2011	(893511)
Item 66	April 04, 2011	(908141)
Item 67	April 25, 2011	(912054)
Item 68	May 18, 2011	(915772)
Item 69	May 19, 2011	(915633)
Item 70	May 23, 2011	(938042)
Item 71	June 22, 2011	(945410)
Item 72	July 01, 2011	(900022)
Item 73	July 08, 2011	(936871)
Item 74	July 13, 2011	(923463)

Item 75	July 19, 2011	(915615)
Item 76	July 21, 2011	(952638)
Item 77	July 28, 2011	(936786)
Item 78	August 15, 2011	(948861)
Item 79	August 22, 2011	(959320)
Item 80	September 21, 2011	(965353)
Item 81	October 21, 2011	(962394)
Item 82	October 26, 2011	(963465)
Item 83	November 21, 2011	(977552)
Item 84	December 27, 2011	(984320)
Item 85	January 24, 2012	(990620)
Item 86	February 21, 2012	(997981)
Item 87	March 22, 2012	(1003508)
Item 88	March 26, 2012	(995170)
Item 89	April 16, 2012	(981924)
Item 90	April 23, 2012	(1010069)
Item 91	May 21, 2012	(1016463)
Item 92	May 23, 2012	(1007812)
Item 93	May 24, 2012	(1007841)
Item 94	July 23, 2012	(1031578)
Item 95	August 22, 2012	(1037955)
Item 96	August 27, 2012	(1020955)
Item 97	August 28, 2012	(1028954)
Item 98	September 18, 2012	(1030334)
Item 99	September 24, 2012	(1046688)
Item 100	October 29, 2012	(1037749)
Item 101	October 30, 2012	(1041338)

#### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:      03/23/2012      (989318)      CN603741463  
          Self Report?      NO      Classification:      Minor  
          Citation:      30 TAC Chapter 305, SubChapter F 305.125(1)  
                               Eff Lim and Mon Req Outfall 001 PERMIT  
          Description:      Failed to meet the permit limitations for fecal coliform bacteria in January,  
                               February and March, 2011.  
          Self Report?      NO      Classification:      Minor  
          Citation:      30 TAC Chapter 305, SubChapter F 305.125(1)  
                               Mon. and Rep. Requirements 7.c. PERMIT  
          Description:      Failed to submit the required written notification to the Region 14 office when the  
                               analytical results exceeded the permit limitation by more than 40%.  
          Self Report?      NO      Classification:      Moderate  
          Citation:      2D TWC Chapter 26, SubChapter A 26.121(a)  
                               Permit Conditions 2.g. PERMIT  
          Description:      Failed to prevent two unauthorized discharges.
  
- 2      Date:      05/31/2012      (1024185)      CN603741463  
          Self Report?      YES      Classification:      Moderate  
          Citation:      2D TWC Chapter 26, SubChapter A 26.121(a)  
                               30 TAC Chapter 305, SubChapter F 305.125(1)  
          Description:      Failure to meet the limit for one or more permit parameter

#### **F. Environmental audits:**

Notice of Intent Date:      01/11/2008      (616231)  
          No DOV Associated

Notice of Intent Date:      07/15/2008      (688096)  
          No DOV Associated

Notice of Intent Date:      08/18/2008      (703345)  
          Disclosure Date:      02/04/2009  
          Viol. Classification:      Moderate  
          Citation:      30 TAC Chapter 115, SubChapter B 115.112(a)(1)

Description: Failure to keep automatic bleeder (vacuum breaker vents) closed at all times except when roof is being floated off or landed on leg supports. Instances were observed where breakers opened prematurely as a result of improper settings.

Notice of Intent Date: 10/13/2008 (706583)

Disclosure Date: 03/13/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)  
30 TAC Chapter 115, SubChapter J 115.930  
40 CFR Part 60, Subpart QQQ 60.690(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.690(a)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)  
40 CFR Part 60, Subpart QQQ 60.692-2(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(5)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340

Description: Failure to inspect drains for various units.

Notice of Intent Date: 09/29/2009 (782877)

No DOV Associated

Notice of Intent Date: 03/10/2010 (826687)

No DOV Associated

Notice of Intent Date: 09/28/2010 (870520)

No DOV Associated

Notice of Intent Date: 11/30/2010 (887106)

No DOV Associated

Notice of Intent Date: 07/11/2011 (937904)

No DOV Associated

Notice of Intent Date: 06/14/2012 (1014568)

No DOV Associated

Notice of Intent Date: 08/06/2012 (1030586)

No DOV Associated

Notice of Intent Date: 11/12/2012 (1050179)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
FLINT HILLS RESOURCES  
CORPUS CHRISTI, LLC  
RN100235266**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-2382-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Flint Hills Resources Corpus Christi, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refining plant at 2825 Suntide Road in Corpus Christi, Nueces County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 6, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Nine Hundred Seventy-Five Dollars (\$7,975) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Three Hundred

Eighty Dollars (\$6,380) of the administrative penalty and One Thousand Five Hundred Ninety-Five Dollars (\$1,595) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by November 19, 2012, the Respondent distributed communication to all plant personnel, on the importance of reporting all emissions events immediately to the Refinery Shift Manager, so as to ensure the timely submittals of emissions event reports.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit an initial notification for Incident No. 171024 no later than 24 hours after the discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 19, 2012 through October 4, 2012. Specifically, the emissions event began on June 30, 2012, but the initial notification was not submitted until July 13, 2012.
2. Failed to prevent unauthorized emissions during an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(3) and 122.143(4), Federal Operating Permit No. O-1272, Special Terms and Conditions No. 32, Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 19, 2012 through October 4, 2012. Specifically, during an emissions event that began on June 30, 2012

and lasted 37 hours and 53 minutes (Incident No. 171024), the Respondent released 5,078.46 pounds of volatile organic compounds from the Rex Cooling Tower, Emission Point Number F-S-4. This emissions event occurred due to a process leak from a heat exchanger in the Coker Unit (17EA1736) into the Rex Cooling Tower. Since this emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Flint Hills Resources Corpus Christi, LLC, Docket No. 2012-2382-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures in order to prevent a recurrence of emissions events similar to Incident No. 171024; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam J. Jaurin Jr.  
For the Executive Director

4/25/13  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]  
Signature

2-13-2013  
Date

Valerie Pong  
Name (Printed or typed)  
Authorized Representative of  
Flint Hills Resources Corpus Christi, LLC

Up in Mfg Mgr  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.